IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.181 OF 2006

M/s.Sarvodaya Visuals Petitioners

versus

Ramit Prasher Respondent

S.K.Chaurasia i/by A.M.Saraogi for petitioners.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 10th July 2006

PC :

1. In this petition in paragraphs 21 to 23 the grievance that is projected is that the Arbitrators are not in a position to finalise the appointment of Presiding Arbitrator. The grievance of the petitioner is that unless that is done the proceedings before them are delayed unnecessarily.

2. Upon being asked, the petitioner’s advocate states that this is a petition under section 9 of the Arbitration & Conciliation Act, 1996. Section 9 does not admittedly take care of the

contingency. The principal grievance is not that there is anything which would be done by the respondent but because of the fact that the Presiding Arbitrator has not been appointed that this application is made.

3. Shri Chaurasia upon taking instructions from the petitioners states that liberty be given to make appropriate application to expedite the appointment of the Presiding Arbitrator. In my view, that liberty is always there because in the present application the relief sought of appointment of Presiding Arbitrator, cannot admittedly be granted. Reserving such liberty and keeping all contentions open in that behalf, the present petition is disposed of. Needless to further state that disposal of this petition does not prevent the petitioner from applying for appropriate interim measures either by invoking Section 9 or Section 17 of the Arbitration and Conciliation Act, 1996. Ad-interim order, if any, to stand vacated.

(S.C.DHARMADHIKARI, J.)